

REMARKS

With regard to the requirement for restriction which is the only point raised in the Official Action, Applicant hereby provisionally elects to prosecute Group I, covering claims 1-24, with traverse, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Group II.

Applicant believes that claims 25-31 the Examiner deemed to be Group II are so closely related to claims 1-24, that they should remain in the same application. As grounds for the traverse, applicant submits that it is easily seen that the process as claimed cannot be practiced by another materially different apparatus because it is drawn to the steps that the vibration damper internally performs. Thus, the apparatus as claimed necessarily is used to practice the method. In support thereof, it should be noted that the parent application has been prosecuted with claims directed to both, the method of damping and the torsional vibration damper which constitute a unity from the start of the application. Since this is a continuation application, such unity should be preserved. The restriction requirement at this late stage is believed contrary to established Patent Office procedures and is on its merits believed incorrect.

It is believed that the Examiner is trying to draw too fine a line of distinction and that when all the various facts are taken into account, all claims on file should be examined on the merits. In any event, at least Group I and hence claims 1-24 are entitled to action on the merits.

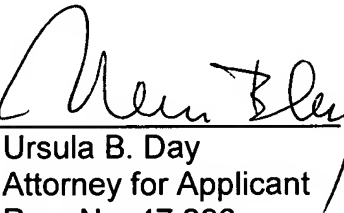
Since applicant has fully and completely responded to the Official Action and has made the required election, this application is now in order for early action on the merits of claims 1-24.

It is noted that each named inventor of the subject matter of the instant application contributed at least to one of the claims, presently on file.

A new IDS Form-1449 listing all references from the prior applications are submitted herewith.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No.06-0502.

Respectfully submitted,

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